

FILED

AUG 17 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALFONSO GONZALEZ-CONTRERAS,
aka Poncho,

Defendant - Appellant.

No. 03-10521

D.C. No. CR-02-00026-JSU
District of Guam,
Agana

ORDER

FILED
DISTRICT COURT OF GUAM

AUG 22 2007

JEANNE G. QUINATA
Clerk of Court

Before: D.W. NELSON, KOZINSKI, and BEA, Circuit Judges.

We have been advised that Judge Unpingco, who sentenced defendant in 2003, has since retired. It is therefore impossible for the district court to comply with the strict terms of our mandate, which returned the case to the district court for a limited remand consistent with *United States v. Ameline*, 409 F.3d 1073, 1084 (9th Cir. 2005) (en banc). Because such a limited remand is no longer possible given the unavailability of the sentencing judge, in light of *United States v. Sanders*, 421 F.3d 1044 (9th Cir. 2005), we now *sua sponte* recall the mandate and direct instead that the original sentence be vacated and the case be remanded for a full resentencing hearing. *Sanders*, 421 F.3d at 1052. Our new mandate shall issue forthwith.